

REMARKS OF CAROL A. SIGMOND
PRESIDENT, NEW YORK COUNTY LAWYERS ASSOCIATION
AT 14TH ANNUAL IDA B. WELLS-BARNETT JUSTICE AWARD RECEPTION
HONORING
ESMERALDA SIMMONS

Home of Law
14 Vesey Street
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Good evening

And welcome to the New York County Lawyers Association Home of Law for the joint program between NYCLA and the Metropolitan Black Bar Association honoring Ida Bell Wells Barnett.

Last year, when I first met Judge Jackman Brown, I promised her that when I was president, I would talk about Ida Bell Wells Barnett in some depth. Tonight, I deliver.

Born a slave in mid-1862, Wells Barnett was freed as an infant by the conquest of her home town, Holly Springs, MI, by General Grant's army and the emancipation proclamation.

When she was 16, she was visiting her grandmother, when both her parents and youngest brother died in a yellow fever epidemic. Wells Barnett resisted efforts to break the family up and instead undertook to care for her younger siblings by teaching school.

Initially, Wells Barnett was educated in a school operated by the Freedman's bureau. She later attended Rust College and Fisk University. She was a self-taught elocutionist, she was also a teacher, lecturer, a civil rights protester, the Rosa Parks of her day, a writer, an investigative journalist of high repute, a publisher, political operative, and the target of a lynch mob saved only by the good luck to be visiting Brooklyn when the mob went looking for her. She was a temperance worker, a suffragette, a candidate for public office, and a community activist. She knew, met, argued and exchange correspondence with W.E.B. DuBois, Booker t. Washington, Frederick Douglass, Susan B. Anthony, T. Thomas Fortune of the National Afro league, Francis Willard, corresponding secretary for the WCTU, Mary White Ovington credited with organizing the NAACP, and Mary church Terrell, founder of the National Association of Colored Women, to name but a few.

Beginning in 1892, Wells Barnett documented lynchings of freed slaves turned prosperous farmers and tradesmen. The first recorded lynching in Tennessee involved her personal friend Thomas Moss and his business associates, Will Stewart and Calvin McDowell, all African American freed slaves who had built a successful grocery business, the People's Grocery, and whose white rivals wanted that business.

In her time, Wells Barnett stood very much alone in her stanch unbending view that lynching was an economic and political crime and had nothing to do with the social conduct of the African American victims. Her evidence including witness interviews, articles and diary entries, suggest that she had it right, lynching was first and most importantly an economic and political crime. In Wells Barnett's view whites used lynching "to get rid of Negroes who were acquiring wealth and property and thus keep the race terrorized."

Wells Barnett also exposed and opposed jails for profit in the 1890s. She saw little difference between the jails for profit, slavery and lynching, to her, they were all part of the economic exploitation of African

Americans.

I would imagine that some of you have wondered why NYCLA joined the MBBA and focused on Ida Bell Wells Barnett as exhibiting the standards of achievement and character by which awardees for this honor are chosen

Though not a lawyer, Wells Barnett, is a part of NYCLA's history. Wells Barnett was an associate of Charles Boston, an original member of the first legal screening committee, one of the constituent groups that was merged into the NAACP and later became NAACP Legal Defense Fund, now known simply as fund Inc.

Furthermore, Wells Barnett knew and appears to have worked with both Macon Webster, who was also on the legal screening committee indeed, the first African American to sit on the committee, and Wilford Smith. Webster and Smith were prominent, successful corporate lawyers in New York in or about 1900-1915 and both were African American.

Moreover, Boston, Webster and Smith worked on civil rights cases for the anti-Jim Crow cause, albeit quietly in some cases. Boston was NYCLA's 14th President and later a president of the ABA. Boston, Webster and Smith signed the articles of incorporate for NYCLA in 1908. Smith was instrumental in the founding of the Urban League shortly after signing on to NYCLA. Smith handled a civil rights case in the US Supreme Court at the behest of Booker T. Washington, the so called "grandfather" voting case. Webster argued the Black Elk case in the US Supreme Court.

However, the Wells Barnett/Boston connection or really the disconnect is significant on a more global scale, but first a bit more history.

The popular fiction is that NAACP was found in NYC by white progressives led by social worker Mary White Ovington in 1909. But the NAACP's founding seems more muddled and murky, likely for what were good reasons at the time.

As Jim Crow clenched his ugly fist around the necks of African Americans, there were three paths of opposition. Wells Barnett who resisted and gave no quarter, Booker T. Washington who was an appeaser and those who were more moderate with a foot in each world, such as Mary Church Terrell. Not surprisingly, Washington was receiving the bulk of the available money for battling Jim Crow and he would not share with either the Wells Barnett/W.E.B. Dubois or Church Terrell forces. W.E.B. Dubois decided that needed to change. It now appears W.E.B. Dubois' 1908 issue of Horizon, the predecessor of Crisis forced Washington's hand. As Wells Barnett and Dubois were allies in the Niagara movement, we can only speculate based on their correspondence on how they fed off each other intellectually, particularly on this issue.

Due to DuBois' tactic, Washington was trapped into putting the funds he controlled at the disposal of the entire anti Jim Crow movement in the form of NAACP. Thus, I do not think that the NAACP begin life as a "white organization" though it may have appeared that way for Washington's benefit, it was actually built on the foundations of early black led groups, including African American Fraternal Groups, such as the black Elks, the various chapters of the African American branch of WCTU, local black republican party groups, male and female, the national Association of colored women, the Niagara movement and Afro American Council, where Wells-Barnett was head of the anti-lynching bureau, as well as the black churches and ministers.

Needless to say, Wells Barnett and Washington were polar opposites relative to anti lynching. Publicly, Washington accepted the premise that somehow the victims were to blame. Wells Barnett never did.

It is likely that this is the reason that Wells Barnett does not appear prominent in the founding of the NAACP, although with Church Terrell, she is considered to be one of only two African American women who were part of the founding group.

If as now appears, White Ovington provided cover for the DuBois maneuver to free up funds from Washington's control for use for the newly developed strategy for using the courts to defeat Jim Crow, Wells Barnett's prominent presence would have inflamed Washington, so that may explain her low profile.

She was for a time a supporter of so called legal strategy but may have become frustrated by the ethical issues raised by bar associations about the strategy. The word is champerty. Enter Charles Boston. Boston. As chair of NYCLA's ethics committee during the early days of the NAACP, Boston successfully managed to control the allegations that the NAACP's legal screening committee's work was champerty. Frankly, he was quite clever in that process, but that is for another day. Suffice to say, in the beginning, champerty was a difficult issue for the lawyers on the legal screening committee, including both Webster and Boston and posed dilemmas for Smith and others as well. Boston with his control of the NYCLA ethics machinery and his hand in shaping the City Bar opinions as well, managed to trivialize the issue to the point that over time it became a non-issue. But circa 1910-1915, this was not the non-issue it would become. It did not happen quickly enough for Wells Barnett.

Wells Barnett eventually settled in Chicago, married a prominent black lawyer, Frederick Barnett, had 4 children, while founding the first kindergarten for black children, founding the Negro Fellowship League, a string of women's clubs and in 1913 founding the first suffragette club for black women. In this last regard, Wells Barnett demonstrated who and what she was for all time, refusing to march at the back of the 1913 Washington DC suffragette parade and instead joining the Illinois delegation. The first black alderman in Chicago, Oscar Stanton De Priest owed his election to Ida Wells and Frederick Barnett.

Wells Barnett died at 68 in March 1931.

So Ida Bell Wells Barnett has an amazing personal history: devoting her entire life to the principle that the lives of people of color had the same value as the lives of "white" people and that the only thing that really mattered was working hard and being successful, that was the real measure of the person. She lived that principle, she might have been lynched for that principle and doubtless her work led to the formation of the NAACP.

More importantly, while the work and philosophy of Webster, Smith, Church Terrell, Boston, and Washington have passed from the stage, Wells Barnett's work and philosophy, (as well as that of Dubois) are alive and well, as the Black Lives Matter Movement, the most significant social movement at this moment in time. Like the Black Lives Matter movement, she would be looking closely at over incarceration, police abuse of African Americans and the adverse impacts of so call zero tolerance policing on people of color to name but a few.

During her life, Wells Barnett alone saw with unique clarity the dangers of allowing any slight based on

race. She battled against racial disparity accepting no impairment as justified. She lost the battle, because the abolitionists and the radical republicans lost focus on the need to complete reconstruction and the various African American groups splintered in face of Jim Crow. Now some 120 years later, we are at a point where Wells Barnett can win the war. Once again we are a point where we can slay these dragons and force the end, not of just of explicit discrimination but indirect and implicit discrimination as well.

It is for all these reasons, her personal achievements, the breadth of her work and impacts, and her clarity of vision, that we, at NYCLA remember and honor Ida Bell Wells Barnett, her work and her legacy with this award. Thank you.